

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
May 28, 2002

- STUDY SESSION

Mayor Griffith called the meeting to order at 6:33 p.m.

Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla.

- > Administrative Items Reviewed:

- ◆ Latest update on the results of the Library Bond Measure (May 21, 2002 election) was reviewed briefly. The bond measure passed 60% "yes", 40% "no" with 52% of the registered voters in Tigard casting a ballot (as of 9:30 a.m., 5/28/02). Certified results are expected by June 10, 2002.

City Manager Monahan reported the New Library Construction Committee would be meeting soon. Next steps include the "due diligence" process including an environmental assessment of the property. At this time, it looks as if the earliest that the City will take possession of the property will be in September 2002. An architect will need to be selected for the next phase. There is a proposal before the City Council to modify the purchasing rules to allow the City to utilize a "design-build" concept if staff determines that this would be the best route to follow. Also to come before the Council in the near future will be consideration of issuance of bonds.

Council and staff briefly discussed the separate environmental studies needed for the road and the building site. There was reference to the site master plan open house held earlier this year and the need to keep the public and interested parties updated and it was suggested that this be done through periodic open house meetings.

It is possible that grant and foundation opportunities will also be available.

City Manager noted that there would be many "Council-driven" decisions to be made that will be brought forward by staff.

- ◆ City Manager Monahan noted that both unions – TPOA and OPEU – have asked to negotiate on health benefits.

- ◆ Council received a revised ordinance for the proposed right of way vacation (Agenda Item No. 5). Council also received a memorandum from Assistant Planner Matthew Scheidegger that described the revision to the ordinance.
- ◆ City Manager Monahan noted that the June 11 meeting would include the proposed budget for next fiscal year. Also tentatively scheduled for the June 11 agenda is a request from Washington County that Tigard conduct a public hearing and the Council take action to accept an increase for assessments in the Metzger Park Local Improvement District (LID) because some of the LID-boundary residents are also Tigard residents. Staff is working with the County to determine if this should remain a LID or if this should be considered a special taxing district. The County has sent meeting notices to residents advising of the County Board of Commissioners hearing on June 25, 2002. The request is for Tigard to hold its hearing on June 11; however, City staff is working with County staff to determine process given the short timeline.
- ◆ WCCLS Levy information will be distributed to the City Council (as described in the Council newsletter dated May 24, 2002).

Study Session recessed at 6:56 p.m.

Study Session reconvened: 6:59p.m.

- ◆ Councilor Patton advised she would be moving to the City of Beaverton in August. City Manager Monahan reviewed Tigard City Charter (Section 7) provisions with regard to filling of vacancies. Councilor Patton's term expires December 31, 2002 and Council may appoint a person to fill a vacancy until an election can be held. On June 11, Legal Counsel will report to Council what its options are regarding this upcoming Council vacancy.
- ◆ Councilor Dirksen asked if he could receive a layout of the design of Bonita Park. City Manager Monahan indicated this information would be sent to all City Council members. Councilor Dirksen was hoping the park might provide a soccer play area for neighborhood children, but the park is too small for this type of use.
- ◆ The Schaffer Lane access to Durham School will no longer be available within the next couple of years. Council and staff discussed possible access sites for the school.
- ◆ Council and staff discussed potential skateboard park sites including the current public works site or a temporary location adjacent to the public works area (tearing down a city-owned house and using the current dog park area).

- ◆ Council discussed land use processes for smaller cities as compared to larger cities and the perception that smaller cities have fewer regulations to consider.

Study Session recessed at 7:15 p.m.

(No Executive Session was held)

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Patton and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

- ◆ Mark Mahon, 11310 SW 91st Court, Tigard OR thanked a number of people for their efforts resulting in the passage of the library bond measure presented to the voters on May 21, 2002. A copy of Mr. Mahon's remarks is on file in the City Recorder's office.

3. CONSENT AGENDA: Motion by Councilor Patton, seconded by Councilor Dirksen to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes: May 6 and 14, 2002
- 3.2 Dedicate the Kristine Ann Tupling Butterfly Garden at Cook Park – Resolution No. 02-32
- 3.3 Amend the Washington County Cooperative Library Service Public Library Agreement
- 3.4 Amend the Washington County Inter-Library Information Network Agreement
- 3.5 Local Contract Review Board: Award Contract for the Construction of Bonita Road Sanitary Sewer Improvements

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

4. PUBLIC HEARING (LEGISLATIVE) – PLANNED DEVELOPMENT DENSITY BONUS LIMITATION AMENDMENT (ZOA 2002-00001)

The Tigard City Council considered a request to amend the Planned Development requirements within the Tigard Development Code to limit the ability to grant density bonuses for areas constrained by sensitive lands (steep slopes greater than 25%, wetlands, drainageways, or 100-year floodplain). The amendment request is based on the present ability to seek density bonuses for preserving trees or open space in these constrained and otherwise undeveloped areas. LOCATION: Citywide. ZONE: N/A. APPLICABLE REVIEW CRITERIA: Statewide Planning Goals 1, 2, 5 and 10; and Community Development Code Chapters 18.350, 18.380, 18.390 and 18.790.

- a. Mayor Griffith opened the public hearing.
- b. Planning Manager Dick Bewersdorff introduced the agenda item and Assistant Planner Morgan Tracy presented the staff report. A copy of the staff report is on file in the City Recorder's office.

Staff confirmed that density transfers (i.e., Washington Square plan) would not be affected. The proposed ordinance only affects the density bonus in planned developments.
- c. Public Testimony: None
- d. Staff recommendation was that the Council adopt the proposed ordinance and uphold Planning Commission's recommendation for approval.
- e. Council Discussion: Councilor Patton commented that she liked what the Planning Commission proposed with regard to redefining under what conditions a bonus could be granted.
- f. Mayor Griffith closed the public hearing.
- g. Consideration by Council: Motion by Councilor Dirksen, seconded by Councilor Patton to adopt Ordinance No. 02-18.

ORDINANCE NO. 02-18 - AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.350 SECTION 100(B)(2) AND CHAPTER 18.790 SECTION 040(A)(1) TO RESTRICT DENSITY BONUS INCENTIVES FOR PRESERVING TREES OR OPEN SPACE IN FLOODPLAINS, STEEP SLOPES, DRAINAGEWAYS, AND WETLANDS THROUGHOUT THE CITY OF TIGARD.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

5. PUBLIC HEARING (QUASI-JUDICIAL) – 68TH PARKWAY AT ATLANTA PUBLIC RIGHT OF WAY VACATION (VAC2002-00001)

The Tigard City Council will consider a proposed vacation involving a portion of public right-of-way on the corner of SW 68th Parkway at SW Atlanta Street and consolidate into tax lot 1S136DD, 00900. The purpose of the request is to allow the adjoining property to the west to develop according to the Tigard Triangle development standards. According to the development standards of the Tigard Triangle, a building must be located within 10 feet of a public right-of-way. The configuration of the existing right-of-way creates a buffer between the property and SW 68th Parkway, which would not allow the adjoining property to meet the setback criteria without a variance. A public storm line lies within the northeast corner of the public right-of-way to be vacated. A public storm water easement will be granted to the City of Tigard concurrently with the right-of-way vacation, that will encompass approximately 7.5 feet on each side of the existing stormpipe. The location of the portion of the vacation request is the section of SW 68th Parkway public right-of-way which lies southeast of SW Atlanta Street.

The request was filed with the City on February 15, 2002 and initiated by the City Council at the request of the applicant on March 26, 2002. Any interested person may appear and be heard for or against the proposed vacation of said 68th Parkway at Atlanta Street Public Right-of-Way Vacation. Any written objections or remonstrances shall be filed with the City Recorder by 7:30 PM on May 28, 2002.

- a. Mayor Griffith opened the public hearing.
- b. Mayor Griffith read the following:
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? *None were reported.*
 - Have all members familiarized themselves with the application? *Council members indicated they were familiar with the application.*
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? *There were no challenges.*

- c. Assistant Planner Matt Scheidegger presented the staff report, which is on file in the City Recorder's office.
- d. Public Testimony – Mayor Griffith read the following statement:
 - For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.

There was no public testimony.

- e. Mayor Griffith closed the public hearing.
- f. Council Consideration: Motion by Councilor Moore, seconded by Councilor Dirksen to adopt Ordinance No. 02-19.

ORDINANCE NO. 02-19 - AN ORDINANCE CONCERNING THE VACATION OF APPROXIMATELY 1,915 SQUARE FEET OF PUBLIC RIGHT-OF-WAY ON SW 68TH PARKWAY, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2002-00001)

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

- 6. **PUBLIC HEARING (QUASI-JUDICIAL) – DARTMOUTH STREET AT 69TH AVENUE PUBLIC RIGHT OF WAY VACATION (VAC2001-00003)**
The Tigard City Council will consider a proposed vacation of public right-of-way involving a 1,181.6 square foot portion of public right-of-way on SW Dartmouth Street, west of SW 69th Avenue. The purpose of the request is to allow the adjoining property to the south to install a permanent monument sign in the vacated right-of-way. The location of the area to be vacated is the portion of SW Dartmouth Street public right-of-way from SW 69th Avenue to SW 70th Avenue.

The request was filed with the City on February 22, 2002 and initiated by the City Council at the request of the applicant on April 9, 2002. Any interested person may appear and be heard for or against the proposed vacation of said Dartmouth Street at 69th Avenue Public Right-of-Way Vacation. Any written objections or remonstrances shall be filed with the City Recorder by 7:30 PM on May 28, 2002.

- a. Mayor Griffith opened the public hearing.
- b. Mayor Griffith read the following:
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? *None were reported.*
 - Have all members familiarized themselves with the application? *Council members indicated they were familiar with the application.*
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? *There were no challenges.*
- c. Assistant Planner Matt Scheidegger presented the staff report, which is on file in the City Recorder's office.
- d. Public Testimony – Mayor Griffith read the following statement:
 - For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.

There was no public testimony.

- e. Mayor Griffith closed the public hearing.
- f. Council Consideration: Motion by Councilor Patton, seconded by Councilor Dirksen, to adopt Ordinance No. 02-20.

ORDINANCE NO. 02-20 - AN ORDINANCE CONCERNING THE VACATION OF APPROXIMATELY 1,181.6 SQUARE FEET OF PUBLIC RIGHT-OF-WAY ON SW DARTMOUTH STREET, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2001-00003).

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

7. **CONSIDER ORDINANCE AMENDING ORDINANCE NO. 96-09 EXHIBIT "A" (PURCHASING RULES) TO ALLOW DESIGN/BUILD OR CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) CONTRACTS**

- a. Finance Director Craig Prosser introduced this agenda item. Buyer Terry Muralt presented the staff report, which is on file in the City Recorder's office. Staff clarified for Mayor Griffith that the provisions of the ordinance would be applicable for any City project, not just the new library.

Finance Director noted there was a typographical error in section 35.020 (3). The word "by" in the second line should be changed to read "but."

- b. Council Consideration: Motion by Councilor Moore, seconded by Councilor Patton, to adopt Ordinance NO. 02-21.

ORDINANCE NO. 02-21 - AN ORDINANCE AMENDING ORDINANCE 96.09 EXHIBIT "A" (PURCHASING RULES) TO ALLOW DESIGN/BUILD OR CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) CONTRACTS

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

8. **CONSIDER ORDINANCE UPDATING TITLE 15.04, STREETS AND ALLEY EXCAVATIONS, OF THE TIGARD MUNICIPAL CODE**

- a. Project Engineer Greg Berry presented the staff report, which is on file in the City Recorder's office. The proposed amendments to the ordinance would result in the following revisions:

- (1) Responsibility for administering the chapter would be reassigned from the Public Works Director to the City Engineer to reflect the current administrative structure of the City.
- (2) To ensure that adequate fees and security have been provided, permits would be issued on an annual basis only if the work is subject to a franchise agreement.
- (3) The maximum permitted widths of driveways have been increased. The maximum driveway width for a commercial driveway would be increased from thirty feet to forty feet to better accommodate trucks with trailers. The maximum width of residential driveways would be increased from twenty-six feet to thirty feet for houses with three or more garages.
- (4) The penalty for violation of the chapter has been revised so that it is consistent with other chapters of the Code.

In response to a question from Mayor Griffith, Mr. Berry explained under what circumstances a 40-foot driveway would be permitted. Mr. Berry clarified that fees are charged for permits issued under this section of the Municipal Code. A new sliding-scale fee schedule is being prepared by staff. Some minor work may be exempted from a fee.

- b. Council Consideration: Motion by Councilor Moore, seconded by Councilor Patton, to adopt Ordinance No. 02-22.

ORDINANCE NO. 02-22 - AN ORDINANCE AMENDING CHAPTER 15.04, STREET AND ALLEY EXCAVATIONS, OF THE TIGARD MUNICIPAL CODE

The motion was approved by a unanimous vote of Council present:

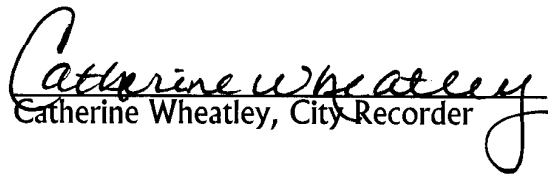
Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

9. COUNCIL LIAISON REPORTS: None

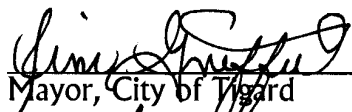
10. NON AGENDA ITEMS: None

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT: 8:14 p.m.


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date: June 11, 2002

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